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TOWN OF NEW WINDSOR

PLANNING BOARD

APRIL 29, 2009

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
HENRY VAN LEEUWEN
HOWARD BROWN
DANIEL GALLAGHER
HENRY SCHEIBLE

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE JULIAN
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

REGULAR_MEETING

MR. ARGENIO: I'd like to call the April 29, 2009
meeting of the New Windsor Planning Board to order.
Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was
recited.)

MR. ARGENIO: With us tonight is Dominic, Mark is here,

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we have a full board and I want to welcome our good friend, Nicole, who's taken Myra's place and we're certainly happy you're here, Nicole, and we look forward to many years to come.

ANNUAL_MOBILE_HOME_PARK_REVIEW:

LEASE_MOBILE_HOME_PARK

MR. ARGENIO: First item is the Lease Mobile Home Park.
Is somebody here to represent this?

Mr. John Lease appeared before the board for this
review.

MR. ARGENIO: As if I didn't know Mr. Lease is here.
Jennifer, has somebody from your office been down to
check the Lease Mobile Home Park?

MRS. GALLAGHER: Yes, they have.

MR. ARGENIO: What say you briefly?

MRS. GALLAGHER: From the last--

MR. ARGENIO: I'll get into some other details.

MRS. GALLAGHER: From the last time we've been down
there it has been cleaned up considerably, there are
still two trailers that are condemned, one of them like
I said has been cleaned up and they need to get a
building permit to do the rest of the work that they
are doing out there and a final electric and then that
one will probably not be condemned any longer, 200,
suite 200 which is condemned needs to be pulled out,
there's no way it could be repaired.

MR. ARGENIO: I have never spent so much work on a
trailer park in my life, in my life, the approval and
the approval of such. John, I'm glad that we're where
we are, quite frankly, I'm sure you are too. But I
just want to ask you a couple things. What are your
plans and what can you commit to us, the planning board
which issues you your permit to operate on suite 200
and suite 300 which are trailer number 200 and trailer

number 300?

MR. LEASE: Well, one thing I did is I put a cleaning crew in place to keep up the outside better than it has been so I won't let the outside get to the point where there's tenants, the homeowners are leaving garbage there anymore and I cracked down, I had all seven homeowners sign new garbage agreements that I'm going to clean it up and they're going to get a back bill. I called the owner of suite 200 and I said I think you've got a few months to get that renovated or pulled out.

MR. ARGENIO: So, are they actively working on it the renovation?

MR. LEASE: Nothing's happened on 200, I got ahold of him and he said he's got to think about what he wants to do, whether he wants to pull it out or try to repair it.

MR. ARGENIO: The note that I have says trailer 300 is currently being renovated.

MR. LEASE: 300 I sold but I renovated it for the people, I started to renovate it for the people that I sold it to just to try to keep her and get a clean slate and they're going to repay me for the money.

MR. ARGENIO: So you're renovating on their behalf?

MR. LEASE: Yes, so I don't own any of the units down there but 300 I think is salvageable and I think if they get the permit and finish up the work.

MR. ARGENIO: The building permit that is.

MR. LEASE: Yes, and 200 I don't know what that guy's plans are but I said you're on a short lease and you probably got a month or two if you think--

MR. ARGENIO: Otherwise, you're going to remove it or see to its removal.

MR. LEASE: Well, I have to do--

MR. ARGENIO: I'm asking you not telling.

MR. VAN LEEUWEN: It does belong to you, does it not?

MR. LEASE: Not me, right, I sold it to that guy years ago.

MR. ARGENIO: Well, you as the owner of the park are responsible for that trailer and if the guy's not doing what he needs to do, you need to take it out of there. Are you okay with, if the guy does not remove it, remove it and renovate it or otherwise are you okay with removing that in the next month or two?

MR. LEASE: Yes.

MR. ARGENIO: You're okay with that?

MR. LEASE: I'd like to have a little bit more than two months.

MR. ARGENIO: How much more time?

MR. LEASE: Ninety days to pull a permit.

MR. ARGENIO: Ninety days, you got it. Anybody got a problem with that?

MR. SCHLESINGER: I just have the problem he's the owner of the property, the other guy owns the trailer, okay and it's this and we brought this up the last time, okay, and, you know, if you're asking John for a commitment and saying you got 90 days, you know, we want it done.

MR. ARGENIO: To do something.

MR. SCHLESINGER: Then that's fine, it's going to get into a legal battle here and going to be more than 90 days.

MR. ARGENIO: For the benefit of the members, this is not complex, Mr. Lease who's certainly a reputable businessman, let me finish, in the area has committed to 90 days. If for some reason that does not happen we're going to, I'm going to propose or and I hope the board agrees that we renew his permit but that renewal will begin seven months ago when the original approval expired. Do you follow me on that?

MR. SCHLESINGER: Yes.

MR. ARGENIO: So if it doesn't come together in three months just the same as any other trailer park, John will be back here in a year from the date of his last expiration and certainly I think it's clear, is it not, John?

MR. LEASE: A hundred percent and I don't think that's going to happen because I think the guy's just going to give it back to me.

MR. SCHLESINGER: You're between a rock and a hard place, we're not, we're dealing with you but we know that you're dealing with another person and unfortunately, you're dealing with somebody that's probably not a responsible person.

MR. LEASE: He's not even around.

MR. SCHEIBLE: Did he sign a lease at a certain point in time?

MR. LEASE: There's no leases.

MR. SCHEIBLE: Just a day-by-day situation?

MR. LEASE: He'll end up walking away.

MR. VAN LEEUWEN: I would ask for a letter from the town to condemn it before you move it.

MR. ARGENIO: That's already out there, Henry, that's already out there, that was two meetings ago, that's already out there.

MR. LEASE: I'll take care of it.

MR. ARGENIO: Dominic, do you have a comment?

MR. CORDISCO: In regards to the 90 day condition, I think the board should be clear that it's 90 days for the trailer owner to either fix it so that it's no longer condemned or for you to remove it, it's not 90 days for the trailer owner to fix it and then you remove it sometime after that, it's 90 days either or.

MR. LEASE: That's okay.

MR. ARGENIO: That's, I thought that was clear but if it wasn't, it certainly should be now. You okay with all this?

MR. LEASE: Absolutely a hundred percent.

MR. ARGENIO: John, believe me, nobody is happier than me that we're I think largely passed this, I mean, some of you guys missed the last meeting, some missed the meeting before but I've been living this thing for longer than I care to admit. Does somebody have a flavor for, not a flavor, does somebody know what the fees are for this? Jen, do you have that?

MRS. GALLAGHER: Yes, I do, it's 250.

MR. LEASE: Yes.

MR. ARGENIO: Do you have a check, John?

MR. LEASE: No, I forgot to bring a check. Can I run it down tomorrow?

MR. VAN LEEUWEN: Motion make a motion to approve subject to collection which he'll pay, I'm not worried.

MR. ARGENIO: John will bring a check to Jennifer tomorrow and just to reiterate you need to take care of that unit that's condemned in the next 90 days. So you agree to that, yes?

MR. LEASE: Absolutely.

MR. ARGENIO: You'll bring the check tomorrow and I'm glad we're through this. In 12 years of being on this board I have never gone through anything like this before and I don't want to do it again. Henry has made a motion we offer an extension of one year permit.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Subject to Mr. Lease tendering negotiable funds tomorrow. Do I have a second?

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded. I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: John, thank you.

MR. LEASE: Thank you very much.

MR. ARGENIO: I don't want to do this again.

MR. LEASE: No problem, thanks guys.

MR. ARGENIO: What was the fee?

MRS. GALLAGHER: \$250.

MR. LEASE: See you tomorrow.

MR. ARGENIO: Just for the record I said it once when we were talking and I want to reiterate the point that approval begins upon the date of the expiration of his prior one year extension, whatever that date is get that date from Jen and insert that in the minutes, that's when his one year begins on that date.

CINTRON_MOBILE_HOME_PARK

MR. ARGENIO: Cintron Mobile Home Park. Anyone here to represent this?

MR. NUNZIATO: Frank Nunziato.

MR. ARGENIO: What kind of a mess do we have here?

MR. NUMZIATO: None.

MR. ARGENIO: Has somebody from your office been to inspect to mobile home park?

MRS. GALLAGHER: Yes, we have.

MR. ARGENIO: What say you?

MRS. GALLAGHER: It's fine.

MR. ARGENIO: That's fantastic. I'll accept, do you have a check? What's the fee?

MRS. GALLAGHER: It's 250.

MR. NUNZIATO: I have a check of my own.

MR. ARGENIO: I'll accept a motion we offer one year extension.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we offer one year extension. Roll call.

ROLL CALL

MR. SCHLESINGER AYE

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MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

PUBLIC_HEARINGS:

CKN_MYLONAS_INC._-SUITE_202_RENOVATIONS,_SITE_PLAN_AND

SPECIAL_PERMIT_(09-14)

MR. ARGENIO: Public hearings, CKN Mylonas, Inc. Suite 202, renovation, site plan and special permit. This application proposes modification to the existing office building which is the Reis building next to the former Vails Gate Diner to the left, Henry, if you remember, to add a caretaker's apartment. The plan was previously reviewed at the 25 March, 2009 planning board meeting. The application is before the board for the mandatory special permit public hearing at this time. So what's your name, ma'am?

MS. SCHOENBERGER: Samantha Schoenberger.

MR. ARGENIO: Please tell us what changes you've made to the plans since we've last seen it. I'd like to open it up to the public at this point and for comment and then the board will have the opportunity to review it again so go ahead.

MS. SCHOENBERGER: Just very quick brief history of the project we're planning on seeking the board's approval for a change of occupancy from a professional office building to a caretaker's apartment on the second floor. One of the board's questions last time dealt with the parking and just to point out the intent is to is not to eliminate any parking spots on the site specifically dealing with the professional office building, we're simply rearranging the spots which are clearly unusable as they're planned right now to be more functional and to be striped the way that they are actually used by our office and by the office building. And of course all the parking spots will be striped in accordance with the Town of New Windsor requirements and standards. The dumpster, it will be relocated onto--

MR. VAN LEEUWEN: That's a great idea.

MS. SCHOENBERGER: To the site with the lot with the--

MR. VAN LEEUWEN: Dumpster for the diner, just doing the other dumpster?

MS. SCHOENBERGER: This dumpster is currently located right here, we submitted plans too late for the board to review for tonight so on the final submission which we make it will show the alteration for the dumpster.

MR. ARGENIO: You won't make a final submission, this is it.

MS. SCHOENBERGER: We had brought the plans and I guess it was too late to submit them.

MR. ARGENIO: When did you bring the plans?

MS. SCHOENBERGER: Yesterday.

MR. ARGENIO: That happens to be about two weeks too late.

MS. SCHOENBERGER: There was a mishap with communication, we didn't receive the comments until three days ago, we made the adjustments as quick as we could.

MR. ARGENIO: Is that the deal, Mark?

MR. EDSALL: Comments are distributed at the prior meeting so that the, that would mean they had them on March 25.

MR. ARGENIO: Go ahead.

MR. VAN LEEUWEN: Where are you going to put the

apartment, upstairs?

MR. SCHLESINGER: Where are you going to put the dumpster?

MS. SCHOENBERGER: I actually have the copy of the new set of plans.

MR. ARGENIO: No, I will not accept them, point to where you're going to put the dumpster.

MS. SCHOENBERGER: Located in this back area.

MR. ARGENIO: In the back, that's good.

MS. SCHOENBERGER: We're not moving it towards the front at all.

MR. SCHLESINGER: Is there access to the dumpster?

MS. SCHOENBERGER: I'd have to doublecheck the plans.

MR. SCHLESINGER: Turn the plan over, upper left-hand corner parking, how are they going to get back there?

MS. SCHOENBERGER: There's a 22 foot easement through the buildings.

MR. ARGENIO: Between the diner and this building.

MR. SCHLESINGER: The parking spaces aren't blocking access to the dumpster?

MS. SCHOENBERGER: No, there's still 22 feet in between these two buildings, it looks slightly deceiving.

MR. ARGENIO: Your access is right here Neil and the dumpster will be in or close to this hatched area.

MR. SCHLESINGER: Well, we wanted it out of the gray

area because that wasn't the problem that wasn't their property, we wanted it in the white area.

MS. SCHOENBERGER: We're proposing to put it in the back corner.

MR. SCHLESINGER: I understand.

MS. SCHOENBERGER: And it will face back that way so that it can still get loaded into the truck.

MR. EDSALL: If I could just to comment on the dumpster we have to make sure that the enclosure is masonry and we need to make sure that there's proper separation to the back of the building so we don't run afoul of the fire code.

MR. VAN LEEUWEN: You've got a problem there.

MR. ARGENIO: How do we know there's appropriate separation based on where we're at right now?

MR. EDSALL: Well, they've got 16.8 feet on their property from the property line to the building, normally, my understanding from speaking with Barney Bedetti is if it's a masonry block wall and you have a five foot minimum air gap space between the back of the building and the enclosure that would suffice.

MR. ARGENIO: I'm okay with that, the dumpster.

MR. EDSALL: I have not seen the new plan but that's one thing I'm just letting them know I have to look at and I'll likely consult the fire inspectors.

MR. ARGENIO: I'm not going to get knotted up about it, go ahead, ma'am.

MR. EDSALL: Just so you know it's an issue.

MS. SCHOENBERGER: I believe that those address all the comments that were given to us by the town last meeting.

MR. ARGENIO: I'm going to tell you this, I'm going to tell you and I'm not going to whip you with it but I'm going to read the first few words of Mark's comment number 2, bullet 1 as previously noted, bullet 2 as previously noted, bullet 3 as previously noted, bullet 4 as previously noted which indicates to me that everything subsequent to as previously noted you guys were told about and you didn't correct it. That's a problem, it's not good.

MS. SCHOENBERGER: I can definitely address that with the--

MR. ARGENIO: Should have been addressed before tonight but it is what it is. Guys, take a look at things, I'd like to open it up to the public. Can you see if you can put your hands on the notice of public hearing for this? I'd like to open it up to the public and if there's anybody to give us feedback I'd like to hear it and we'll come back to it. On the 15th day of April, 2009, 42, all of 42 addressed envelopes containing notice of public hearing were sent out. Nicole in her first ride around the block she went to Todd Wiley, got the information and sent these out. At this point in time, is there anybody in the audience who'd like to speak for against or just comment on this? Please raise your hand.

MR. DEGREGORIO: Larry Degregorio, I live behind their on Continental Drive so I got a notice. I just have quick questions on the dumpsters, if they're going to be corralled because the diner's current site plan those show those dumpsters corralled and they're not which has always, always been a problem.

MR. ARGENIO: Why do you say it shows them corralled?

MR. DEGREGORIO: On the original site plan which I saw eons ago it shows a structure around the dumpsters which hasn't been there, I've been in the house since '76, it hasn't been there since the '90s, probably since their renovation, their big renovation.

MR. ARGENIO: Would you check and see, Jennifer, check and see, check on that, see if we have anything on that. I'd be interested to know because the diner's waste is nasty stinky lettuce and things of that nature.

MR. VAN LEEUWEN: You live right behind?

MR. DEGREGORIO: Directly behind it.

MR. ARGENIO: To answer your question, Larry, the dumpster will be in a masonry enclosure to answer your question.

MR. DEGREGORIO: And caretaker's apartment, what's going to be the, how many, what's the occupancy on caretaker's apartment? Does caretaker's apartment mean that the people, the dishwashers that currently live underneath the diner are going to move into the apartment upstairs? Caretaker's apartment scares me because I see a--

MR. ARGENIO: What's your intent?

MS. SCHOENBERGER: It's a one bedroom apartment and the intent is to have it as it states it will be a person that's responsible for caring, for taking care of both the property maintenance of the professional building and also the Coach Diner, both in the outside physical appearance and the interior of both buildings, who the owner rents it to we have not discussed with our client but that was the intent when he came to us.

MR. ARGENIO: Larry, she's on the record now stating that it's for one person.

MS. SCHOENBERGER: It's a one bedroom so--

MR. DEGREGORIO: That could be 15 people.

MR. ARGENIO: Possibly two people and those two people will attend to the exterior of the building, certainly doesn't seem to me that it's going to be a dozen people and if it is that will become an issue for the building department which we'll address.

MR. SCHEIBLE: What's the square footage of the apartment?

MS. SCHOENBERGER: The square footage of the apartment?

MR. SCHEIBLE: I'm losing track, I'm looking at different figures here.

MR. VAN LEEUWEN: Are you going to put the apartment above the existing building?

MR. ARGENIO: Henry, let her answer one question at a time.

MS. SCHOENBERGER: If my memory serves me correctly, around 500 to 600 square feet. You can see on this diagram right here that this back corner--

MR. ARGENIO: On the top in the back?

MS. SCHOENBERGER: Correct, is the area that will be the caretaker's apartment. It has a living room kitchen combination.

MR. SCHEIBLE: Upstairs?

MS. SCHOENBERGER: Upstairs, correct.

MR. SCHEIBLE: There's three levels of this building?

MS. SCHOENBERGER: Yes.

MR. ARGENIO: Henry, I think the intent is to occupy the highlighted area you see on that drawing.

MS. SCHOENBERGER: This is the ground floor we'll call it under here, this is the first floor and this is the second floor so you'd have to walk up the stairs to the front door and up once you get inside.

MR. SCHLESINGER: Is there an elevator?

MS. SCHOENBERGER: There's no elevator, didn't we discuss that last time?

MR. ARGENIO: I don't remember that. Mark?

MR. EDSALL: Just for the record, the plan notes the square footage of 763 square foot for the apartment. Second issue Mr. Degregorio seemed to indicate there was an existing residential occupancy in the building.

MR. DEGREGORIO: Not that that building, I was making reference to my favorite diner again, that's all.

MR. EDSALL: Cause there are no other approved residential occupancies in this building.

MR. DEGREGORIO: Nor the diner I'm sure.

MR. ARGENIO: Go ahead.

MR. DEGREGORIO: Is there any provision, I don't know and I didn't do any homework that's what your guys do as far as curbs again that lot historically has, maintenance has been minimal, there's no curbs at the rear, at the rear of the property and I don't see it on

this side, it's on the other side, I'm sure the town has a drainage easement.

MR. VAN LEEUWEN: Runs behind all the houses and the diner up to Charlie what's his name's building there.

MR. DEGREGORIO: Correct, I know what you're talking about, Catanzaro. There's historically never been again historically for the past 20 years there hasn't been any sort of curb barrier. The only barrier for any of this property and my property and my neighbor's property is whatever fencing we put up so it has on chance been that cars have come through the fence into my back yard, it happened once, they drove the grease pit through my fence into my kids' play area, they were good neighbors, they cleaned, came and cleaned it up. Is there any provision at this point as they're redoing it to put some sort of again I don't know what the town calls for if there's any guardrail, curbing, bumpers, barriers, whatever the terminology would be at the perimeter or back parking spot which I'm sure there's going to be of this new--

MR. SCHLESINGER: Larry, let me just call one thing to your attention, if you look at the diagram there you're referring to the back of the gray area that's not what we're talking about here, we're just talking about the white area which is that area right there, right there.

MR. DEGREGORIO: But there's no provision for the office building to do anything with this parking.

MR. SCHLESINGER: That's a different piece of property.

MR. ARGENIO: I don't want everybody talking at once.

MR. SCHLESINGER: It's a different piece of property.

MR. DEGREGORIO: Same owner so cars from this building can't park there or they can--

MR. ARGENIO: Mr. Degregorio, let me be clear with you, same owner not same owner I don't care from a lawful point of view, the reality of it is it's two separate parcels, Neil is 100 percent right, we're looking at the parcel that's in white.

MR. DEGREGORIO: This is the first I'm seeing it.

MR. ARGENIO: I want to be clear.

MR. DEGREGORIO: I didn't know that that's all we're talking about, it's directly around the building.

MR. CORDISCO: And the approval's attached to the parcels not to the owners.

MR. SCHLESINGER: As a matter of fact, just the dumpster for this piece that we're talking about tonight was located on the gray area and he said, we said no.

MR. ARGENIO: Back in the corner close to the residential properties.

MR. SCHLESINGER: So we're making that, taking that dumpster away from your house and putting it on the property we're talking about now.

MR. DEGREGORIO: Already that's a home run, excellent.

MR. ARGENIO: Hey, Larry, understand something, that a lot of times when we look at things especially in this section of town this board we do our best but a lot of times we're dealing with situations that are kind of crummier and what one of our goals is to try to improve it, now sometimes we can't get it to exactly what code is but we really try very hard to improve it for the benefit of everybody, yourself, the members of the town, everybody.

MR. DEGREGORIO: Understood, but I had these concerns like I said I've been there for 30 years.

MR. ARGENIO: This is why we have public hearings.

MR. SCHEIBLE: I have one question, Mr. Chairman, you say we're going to try to remove the dumpster from the gray area and put it into the white area, the dumpster that's being used, oh, I see in the back here for the gray areas back here, I'm sorry.

MR. ARGENIO: Henry, at the last meeting I don't believe you were here but it showed and I think it was until Neil picked up on it the dumpster was way in the back of the parcel.

MR. SCHEIBLE: Back in the right-hand side.

MR. ARGENIO: Well, the left-hand side as you're looking at the drawing.

MR. SCHEIBLE: That's the gray and white.

MS. SCHOENBERGER: Currently as it exists right now the dumpster that whoever's building uses is located in these back two parking spots almost pushed onto the grass and we're proposing to do after the town's comments is totally move it closer to the office building and be within the lot of the office building.

MR. SCHLESINGER: They have to have their own.

MR. SCHEIBLE: Okay.

MR. ARGENIO: Mr. Degregorio?

MR. DEGREGORIO: Just have a question, looking at this now and again what's here is drawn from what someone saw or what's here is what should be?

MR. ARGENIO: What's here is what they're going to do but what they based it on was a field survey of what was there and we have had Mark and his people do a thorough analysis of it and if in their opinion and I agree with them having seen this a couple times it's an improvement on the parking situation and the flow situation around both buildings.

MR. SCHLESINGER: Larry, can I just add one other thing? What you're probably looking at there is probably and Jerry's probably going to address this now is not accurate because I think that there's another set of plans that needs to be addressed, so this is probably going to be another issue that the chairman is going to address.

MR. DEGREGORIO: I'm in the gray for the moment but my question is what we see in the gray here now.

MR. SCHLESINGER: Irrelevant.

MR. DEGREGORIO: Okay, we're talking about the dumpster that's in the gray, that's not going to be, I was just asking about if this is as someone saw it or as it's on a map somewhere currently?

MR. SCHLESINGER: The gray area is irrelevant to our discussion.

MR. EDSALL: The Chairman has asked the building inspector to find out if there's a noncompliance for that existing site, if there is there's the opportunity for the town to go to this man and say you remove your enclosure, it's time to put it back, separate issue, that's a compliance issue.

MR. DEGREGORIO: All right, good enough, thank you.

MR. ARGENIO: Good, Larry. Anybody else? Accept a

motion to close the public hearing.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we close the public hearing on Mylonas. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: We're in a little bit of an interesting conundrum and you have a problem and I'm going to tell you what your problem is. Your problem is you're talking about another set of plans but we're reviewing this set of plans, okay, your tardiness in getting them to us or not tardiness in getting them to us is not our issue. So if we move forward with this I'm going to open it back up to the members and see if they have any questions if we move forward with this and this goes over the wire this is what you're building.

MS. SCHOENBERGER: May I interject?

MR. ARGENIO: Sure.

MS. SCHOENBERGER: It was our intent coming here tonight after we found out the plans were not going to be able to be submitted to this meeting to make another meeting if it was the town's discretion and I'm sorry I apologize for making a mention to the plans, I was just trying to illustrate that we had tried to address them but it's our intention of our office to correct what the town stated.

MR. ARGENIO: We review things, if you want to bring another set of plans in because you want to tweak this for the benefit of the owner that's fine.

MR. VAN LEEUWEN: We also want to find out about the other dumpsters.

MR. ARGENIO: Which other?

MR. VAN LEEUWEN: These.

MR. ARGENIO: They are not going to concern us, it's not part of this application, it's not part of this application.

MR. VAN LEEUWEN: I know that.

MR. ARGENIO: Here was my concern, Henry, was that the dumpster quote unquote the dumpster when they take that dumpster there Hank and they locate it in this area they can do that, there's an offset requirement of five feet as Mark just said. My question is when they locate it there the dumpster has a certain width that might be 10 feet, I don't know what it is but is that width going to push the dumpster onto the neighbor's property and if it does I don't think it's the end of the world but you need to make provisions for it with an easement or something, I don't know what.

MR. SCHEIBLE: I just don't think we should be making any decisions on the plans that we have before us right now.

MR. ARGENIO: You couldn't be more correct.

MR. SCHEIBLE: We're sitting here discussing this dumpster and that dumpster and it's not shown on the plan.

MR. ARGENIO: We review things and the lady has requested just that. Now, as the feedback that you guys have received previously has been favorable relative to the parking and relative to the flow that's all good, it seems to me you have some nickel dime details to go through. What's your last name?

MS. SCHOENBERGER: Schoenberger.

MR. ARGENIO: Miss Schoenberger, what I don't want to do next time is have the discussion contained in Mark's item number 2 with the bullets as previously requested, as previously requested because there's no meat there, it just needs to be taken care of, it's clean-up issues. Neil, do you have anything else?

MR. SCHLESINGER: No.

MR. BROWN: No.

MR. SCHEIBLE: No, just what I just previously said.

MR. VAN LEEUWEN: No.

MR. ARGENIO: Please clean those up, Mrs. Schoenberger, and just for the record this was referred to county and we heard back from those folks local determination which we always like that. Now for SEQRA you really don't have a lot to do, don't have a lot to do, do it, I give you my word we'll get you on the next agenda if you're ready but don't come to my esteemed colleague with plans two days before.

MS. SCHOENBERGER: Will not happen again.

MR. ARGENIO: Thank you, Miss Schoenberger.

MR. CORDISCO: Just on this point you did close the public hearing so any submission that should be made should be made relatively quickly so they could get on

an agenda fairly close to now, we didn't want to be in the position where we have to deny the application because it's 62 days after the close of the public hearing.

MR. ARGENIO: Right, cause you had a zoning issue.

MS. SCHOENBERGER: If we find that all the comments were addressed with the plans we had intended to submit those drawings would be--

MR. ARGENIO: Get them to Nicole, let's go, make a run on it, no problem.

MS. SCHOENBERGER: Thank you very much.

REGULAR_ITEMS:

JASON_BABCOCK_SUBDIVISION_(09-15)

MR. ARGENIO: First regular Jason Babcock subdivision on Station Road. Neil, do you know where this is?

MR. SCHLESINGER: I'm not sure, I'm kept in the dark.

MR. ARGENIO: This application is next door to me, however, I am not going to abstain, it will not affect my ability to vote on this. I will remain objective.

MR. SCHLESINGER: Okay.

Mr. Jonathan Cella appeared before the board for this proposal.

MR. CELLA: The proposal is a two lot subdivision of a 90 acre parcel, R-1 district and we're proposing to cut off approximately two acres for one.

MR. ARGENIO: How many?

MR. CELLA: Two acres.

MR. ARGENIO: She couldn't give you more than that your grandmother?

MR. CELLA: So two acres for a single family residence for Jason Babcock and on site there's a DEC wetlands MV 29 which we delineated and it's now signed off by the DEC.

MR. ARGENIO: You've had it delineated?

MR. CELLA: I have the map here I just received, understand I can't submit it tonight but--

MR. ARGENIO: Is that clear?

MR. CORDISCO: Mr. Chairman, I actually have a question about that. I was reviewing these plans, of course they were submitted for the first time, this is their first appearance and I did take a look at your wetlands delineation block and I saw that the language in the block reference is the fact that the delineation is valid for three years, the DEC has changed and has extended the delineation so that they are valid for 10 years but so I hope whatever one that you had signed for Mr. Babcock's benefit is the one that said 10 years rather than 3.

MR. ARGENIO: Plants grow slower now than they did a few years ago.

MR. CORDISCO: DEC is tired of seeing the same people over and over again.

MR. CELLA: Project plans include design of individual septic and erosion and sedimentation control.

MR. VAN LEEUWEN: How many bedrooms?

MR. CELLA: He's not sure yet and the residence will have an individual driveway onto Station Road.

MR. ARGENIO: Why?

MR. CELLA: Why?

MR. ARGENIO: Yeah, why?

MR. CELLA: Babcock Lane is a private road.

MR. ARGENIO: And?

MR. CELLA: And it's, we don't, we'd prefer to put it onto Station Road.

MR. ARGENIO: Why?

MR. CELLA: Well, how many lots can we serve, we can serve up to four lots?

MR. ARGENIO: Five.

MR. VAN LEEUWEN: As long as it's no more than 800 feet long.

MR. ARGENIO: Here's why I say it, these are very nice people the Babcock family and if you're going to go onto Station Road it's a different package, if you're going to stay on Babcock Lane on a private road it's a lot simpler a review, we have to have highway, we have to have sight distances, stuff like that. Jason, stand up. Can you give the stenographer your name please?

MR. BABCOCK: Jason Babcock.

MR. ARGENIO: And your address?

MR. BABCOCK: 11 Babcock Lane, Rock Tavern.

MR. ARGENIO: What's the problem with going on back?

MR. BABCOCK: I felt that it would be better to go directly on Station Road. I just followed his advice.

MR. CELLA: So right now we'll go on Babcock.

MR. ARGENIO: Jay, it's an easier subdivision process if you can do that and I don't know why you can't do that. I'm speaking as your friend, I don't know why you can't do that. I mean, I know the area, you know you have no sight distance issues, you have the farmhouse, Paul Keene and you, I mean there should be, shouldn't be an issue as long as there's not something specific that your dad is saying don't do it because blah, blah, blah.

MR. BABCOCK: Well, I guess the question would be is would it affect anything down the road?

MR. ARGENIO: Affect nothing. What's it's going to affect?

MR. SCHLESINGER: You don't have, I don't think you want to commit to it right now, we're making a suggestion for obviously good reasons but it's something you may want to discuss.

MR. BABCOCK: Yes.

MR. SCHLESINGER: We're not turning around to you and saying yes or no right now, we're throwing something at you which is a very good suggestion you may want to discuss it.

MR. BABCOCK: Okay.

MR. VAN LEEUWEN: That's our job.

MR. ARGENIO: Mark's office has witnessed the soil tests and Mark no issues with that I assume?

MR. EDSALL: No, their information on the plan is reflective of our observations, we have no issue with the data from the perc tests and the deep tests.

MR. ARGENIO: Application involves single family development with disturbance less than a total of five acres, as such, a full SWPPP is not required, the plan should indicate soil erosion and sedimentation prevention measures with that.

MR. CELLA: Yes, it's on the plan.

MR. ARGENIO: Really, you must of missed it, Mark.

MR. EDSALL: It's the final version got to be on to protect the wetlands, that's really all they're required to have, that's a standard note to let the board know this is not SWPPP territory.

MR. ARGENIO: Which is good for you.

MR. EDSALL: Much simpler.

MR. ARGENIO: Mark's comment number 6 to my knowledge there are no other involved agencies for this application, as such, the planning board may wish to assume lead agency. Accept a motion we declare ourselves lead agency.

MR. CORDISCO: Just one quick clarification based on your certified delineation you're not disturbing any DEC wetlands?

MR. CELLA: That's correct.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded we declare ourselves lead agency.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. VAN LEEUWEN: I would say the only real item is the driveway.

MR. CELLA: If we, can we agree right now we can make

an agreement now.

MR. ARGENIO: This subdivision plat must be stamped by the licensed surveyor, please ensure that future plat is so signed and stamped. You agree to do that?

MR. CELLA: Yes.

MR. ARGENIO: Mark, item number 7, any commentary on the public hearing on this?

MR. VAN LEEUWEN: Vote to waive.

MR. SCHLESINGER: Second the motion.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board per its discretionary judgment waive the public hearing for Jason Babcock subdivision.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: As per 911 policy this project will require the assignment of street names and 911 address numbering at the preliminary approval, obviously, there's no street number but you have to get a 911 address. Mark cut in on me if you feel the need to, if I'm missing something here's where I think we should go with this, guys, fellow members, I think that we should move this forward with the driveway going on Babcock Lane. If there's any need and I can't imagine the need Mark can review the driveway location and Mr. Babcock if at some point in time you say I don't want to do this, my dad says I shouldn't do it or whatever and you

want to put the driveway on Station Road you can revise it but I want to be very clear, abundantly clear that if this does happen, you need to come back here because when driveways, roads, private or otherwise access lands of the Town of New Windsor, roads of the Town of New Windsor we need to know about it, we need to have sight distance, we need to have Highway Commissioner Fayó review the necessity of a culvert or not, size of the culvert, it's not brain surgery but there's a little bit more to it than blacktop, a property's sloping up, sloping down. Does anybody have a problem with what I just said? Neil, are you okay with that?

MR. SCHLESINGER: Yes.

MR. ARGENIO: He's your neighbor.

MR. SCHLESINGER: No, I think we're making a wise suggestion to you but we don't, he's making the property bigger and bringing it up to the road.

MR. CELLA: We'll just encumber this easement with, we'd have to change the language of the easement to include the new lot.

MR. VAN LEEUWEN: I would say but that's up to you guys, you guys own the land, I don't.

MR. ARGENIO: Am I misspeaking here or am I waiving any formalities?

MR. EDSALL: No, it's very straightforward, my comments are limited. The only one that wasn't mentioned is that now that we're working toward a final layout I will look at the sanitary system design in final form.

MR. ARGENIO: One question that Henry just brought up and it may or may not be an issue if he does put the driveway onto Babcock Lane he's made a little isolated island piece of property.

MR. EDSALL: He'd either have to move the lot line or just have the right-of-way of Babcock Lane clarified so that it abuts it are the private road right-of-way has to be expanded to abut the lot.

MR. ARGENIO: Do you understand what I'm saying? We don't want to do, if your driveway goes from here to here then you have this piece of property is landlocked, I'm sorry, if the driveway goes from here to here, this piece of, this is landlocked so might have to give you something that's like this and then your driveway can be here, it's all on the same piece.

MR. SCHLESINGER: Why can't the vertical line go right up to the driveway?

MR. ARGENIO: Mrs. Babcock's got to part with more property though and she doesn't part with property very easily, take it from me.

MR. SCHEIBLE: I'm saying if this is the property the new parcel make the new parcel like this.

MR. ARGENIO: The horse is dead, I'll accept a motion.

MR. VAN LEEUWEN: So moved, I was just going to say that.

MR. ARGENIO: For final approval subject to the numbering of the house, oh, no, wait a second, anybody have a comment on the public hearing?

MR. SCHLESINGER: We said no.

MR. ARGENIO: Did we waive that?

MR. CORDISCO: You waived it. Negative dec.

MR. ARGENIO: I'll accept a motion we declare negative

dec under SEQRA process.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: So Jason I'm clear about the driveway? I think, I hope, if I'm not, he can explain it to you.

MR. CORDISCO: I just want to point out to Mr. Babcock just so it's clear if they grant final approval tonight there's still some outstanding issues, doesn't sound as if there's any heavy lifting issues but if they grant final approval it starts a clock and it's a 360 day clock so this approval is valid for 360 days, you have to satisfy all the conditions, get the plans in so they can be stamped and filed in the county within the 360 day period.

MR. ARGENIO: The conditions which I'm going to enunciate in a moment.

MR. VAN LEEUWEN: I make a motion to approve subject to.

MR. SCHLESINGER: Second it.

MR. VAN LEEUWEN: The driveway being satisfactory.

MR. ARGENIO: I got it. Motion has been made and seconded that we offer final approval to the Jason Babcock subdivision subject to the driveway being relocated to Babcock Lane and that's subject to Mark's review and subject to the town's 911 policy. Is there anything I've missed?

MR. CORDISCO: The septic design, the final septic design based on--

MR. ARGENIO: And Edsall's office reviewing the final septic design.

MR. EDSALL: Stamped by a licensed surveyor.

MR. ARGENIO: Stamped by the licensed surveyor.

MR. CORDISCO: Providing us with a copy of the delineation map signed off on by DEC.

MR. CELLA: I have that.

MR. ARGENIO: You're going to do that? So Jay those things that I just read or spoke into the minutes you have to do those things within the next 360 days otherwise your approval is null and void. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. SCHLESINGER: I have a question just so that if there's any reason that you don't want to put the driveway onto Babcock Lane then the application becomes null and void.

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MR. ARGENIO: Null and void, they come back here with a new plan, I hope I'm clear on that.

MR. CELLA: No problem.

MR. ARGENIO: Thank you.

POUGHKEEPSIE_PROPERTIES,_LLC._SUBDIVISION_(09-03)

MR. ARGENIO: Poughkeepsie Properties LLC subdivision.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. ARGENIO: Application proposes subdivision of 2.51 acre parcel into two residential lots, two non-residential lots. Plan was previously reviewed at the 28 January, 2009 planning board meeting. We saw this, Greg, just for the edification of the members, I'm sure everybody was not here at that meeting, briefly please tell them what the genesis of your desire to go through this exercise is, if you would.

MR. SHAW: Very quickly, at the end of 2008 this planning board approved site plan application to construct a second building on the subject parcel which is off of Executive Drive. We received site plan approval, they obtained a building permit and they are under construction, presently are working towards a C.O. What we submitted following that approval was a subdivision application, again you approved two buildings on one lot and we asked this board to subdivide it into two lots so in case the owner wanted to sell a building he could for financial purposes it makes it easier. We came before this board with a subdivision application and we were referred to the zoning board of appeals cause we were deficient in two areas, that being lot width on lot number 1 and the building height, excuse me, lot number 2 and the building height for lot number 1. We received those variances so now we're in compliance with your zoning ordinance, all aspects of it and we're here tonight asking for a simple subdivision approval to create two commercial lots. There really is no impact, we reviewed those in 2008 when this board approved the second building so the issue is not whether the second building is going to be there, it's whether they exist

on one lot or two. Thank you.

MR. VAN LEEUWEN: Who owns this property?

MR. SHAW: Mark Rafael of River Realty who does not have any relationship with William Helmer at all.

MR. ARGENIO: We have a letter from county that Nicole just shared with me, it's been returned local determination. Is there any thoughts on the necessity of a public hearing?

MR. VAN LEEUWEN: I don't think so. I'll make a motion to waive.

MR. SCHLESINGER: Second it.

MR. BROWN: Yes.

MR. VAN LEEUWEN: I'd rather see a building go up.

MR. SCHEIBLE: I'm, I don't see any problem.

MR. ARGENIO: I agree. Motion has been made and seconded that the Town of New Windsor Planning Board waive the public hearing on Poughkeepsie Properties subdivision. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: You guys have any other thoughts on this? This is a pretty clear deal here unless somebody sees something I'm missing.

MR. VAN LEEUWEN: Did the flag pole take off with the flag?

MR. SHAW: That was approved under site plan approval last year.

MR. SCHLESINGER: I question the parking why it's down near the bottom there, Greg.

MR. SHAW: What happened back then?

MR. SCHLESINGER: Yes.

MR. SHAW: This parking which is, which existed prior to the approval of the second building, for us to make, for us to obtain site plan approval for both buildings we had to make sure that each lot had the necessary amount of parking, this building was deficient because it was approved, I think probably when it was one per 200 square feet and then now it's one per 150 square feet, therefore, we had to give this building 10 more spaces, that's why we had to extend the parking lot in order to encompass this area to provide proper parking for the existing building.

MR. ARGENIO: That's why the property line jogs to the left.

MR. SCHLESINGER: So there's no real reason for that to be gray.

MR. ARGENIO: It's new construction, that's why it's gray.

MR. SHAW: Only because it's new blacktop and all of this is new blacktop.

MR. SCHLESINGER: But it coincides with the property line.

MR. SHAW: Yes.

MR. VAN LEEUWEN: I don't have a problem.

MR. ARGENIO: I'll accept a motion for negative dec.

MR. VAN LEEUWEN: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec under the SEQRA process for the Poughkeepsie Properties. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. VAN LEEUWEN: I make a motion to approve, it's been to the zoning board.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded we offer final approval to the Poughkeepsie Properties subdivision on Executive Drive. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

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MR. ARGENIO: I hope we didn't hold you up.

MR. SHAW: No, you didn't.

DA_REALTY_&_LBR_REALTY_LOT_LINE_CHANGE_(09-11)

MR. ARGENIO: DA Realty and LBR Realty lot line change.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. ARGENIO: Application proposes revision of lot lines and the consolidation of four non-residential lots to two lots. The plan was previously reviewed at the 25 February, 2009 planning board meeting. Everybody know what this is, Mr. Van Leeuwen I don't think that you've seen this.

MR. VAN LEEUWEN: No, I haven't but I know where it is.

MR. ARGENIO: This is the area near Flannery Hospital between the animal hospital and the lake and what they're doing is there's an amalgum of property lines between Flannery's and the lake and I think what Mr. Shaw is trying to do or the owner's trying to do is combine those lots, make some sense out of them and come out of it with a building lot that's either in conformance or close to conformance with the Town Code. Am I close, Greg?

MR. SHAW: You're right on the money.

MR. ARGENIO: I don't want to make a pitch for you but that's my understanding. Go ahead.

MR. VAN LEEUWEN: I remember you.

MR. ARGENIO: You guys see the property lines, the property lines, the diagonal lines are the lines. Go ahead, Greg.

MR. SHAW: You pretty much said it all, Mr. Chairman. When I was before this board the last time except for referral to the county the board was in a position

where you said you were ready to approve but you couldn't because it had to be referred to the county. You have done that, we have gotten their response so we're back before you tonight on a very simple consolidation, it's a subdivision but it's a consolidation of four lots into two with no new improvements and we're asking for subdivision approval tonight.

MR. ARGENIO: One of the county's comments Mark summarizes it in saying they say local determination but one of their comments was the proposed site plan amendment appears to be consistent with the county comprehensive plan and local laws. If anybody sees fit, I'll accept a motion we declare negative dec.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec for this application. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Guys, do you guys have anything else with this? This is clean.

MR. SCHEIBLE: This is absolutely clean.

MR. VAN LEEUWEN: Make a motion to approve.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion to approve?

MR. VAN LEEUWEN: Make a motion to approve.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning board offer final approval for DA Realty and LBR Realty lot line change. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

AUTO_ZONE_SITE_PLAN_(08-19)

MR. ARGENIO: Auto Zone, anybody here for that?

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: This is the second time this project has been here before your planning board.

MR. ARGENIO: Greg, not to interrupt you but unless I'm mistaken this thing popped up a while back and kind of went south and now I think it's resurrected, am I mistaken?

MR. SCHEIBLE: You're thinking about a hamburger joint going in this area.

MR. ARGENIO: It could be.

MR. SHAW: I have no idea.

MRS. GALLAGHER: It was a Sonic, yes, it was.

MR. SHAW: Maybe the best place to start with this project, that's an existing conditions plan that shows what's on the site today, it's presently a developed site, it has two buildings on it, one is Play It Again site which is an existing retail building and the other is New Windsor's famous Pizza Hut which has been vacant now for a number of years. What my client is proposing to do is to demolish the Pizza Hut building and basically complete all new site improvements which when I say site improvements, talking about new paving, new curbing, storm drainage, water, sewer, site lighting, refuse, landscaping all the standard items that the planning board looks for when an existing site needs to be upgraded and is tired and I think the board would agree that this is a tired site and could use some upgrading. When we were before this board the last

time we were deficient with respect to the number of parking spaces that we were providing. We were obligated to provide 62 spaces and that's for both the new Auto Zone and the existing retail building and we're only providing 54 thus we needed and we did obtain a variance for eight parking spaces.

MR. ARGENIO: How many, Greg?

MR. SHAW: Eight parking spaces.

MR. ARGENIO: They gave you the variance?

MR. SHAW: They gave us the variance so now we're in compliance with your zoning ordinance and we're here before you with respect to site plan approval. We're proposing to construct two new entrances, presently there are two there now. I have met with Sidney Zaccaria of the DOT and the curb cuts that are reflected on the drawings before you reflect her corrections to the plan. We realize that we have to get a highway entrance permit and utilities permit from the New York State DOT and that will follow in the very near future but for the moment we're here before you asking for site plan approval and approval of the site improvements indicated on the drawings.

MR. ARGENIO: What are your aisle widths?

MR. SHAW: My aisle widths are 30 feet in front, 25 on the side, 25 on the side and 25 on the remaining side.

MR. ARGENIO: Mr. Shaw, why is the pond on somebody else's property?

MR. SHAW: Because it exists right now, again, this is a developed site and we cannot go and I believe we can't go in and make any changes to that pond because you're going to be affecting other people's property.

MR. ARGENIO: Is that pond effectively sized to accommodate the impervious surface based on the current storm water regulations?

MR. SHAW: Well--.

MR. ARGENIO: In 2009 April?

MR. SHAW: Well, keep in mind the increase in imperviousness from that physically exists there today, what we're proposing is 1/10 of an acre, that's what we're increasing the impervious.

MR. ARGENIO: That's not what I asked.

MR. SHAW: You're asking whether that pond is sized.

MR. ARGENIO: I'm saying storm water you're capturing now in your pond or in your perc pipe there, perc pipe here.

MR. SHAW: No.

MR. ARGENIO: The storm water you're catching in that pond is the volume appropriate for the square footage of pavement that's there now and in accordance with the regulations in 2009?

MR. SHAW: I have no idea. I don't, somewhere we're obligated to prove that the existing pond is adequate for the existing building and pavement.

MR. ARGENIO: I didn't say you were obligated.

MR. SHAW: That was constructed 25 years ago.

MR. VAN LEEUWEN: I forget who owned it, Herb somebody.

MR. SHAW: Sleepoy.

MR. SCHEIBLE: The major problem over the years with this piece of property has been the entrance egress situation, it's never, you come in and you go down this hill to get to either one of these two buildings over the years.

MR. SHAW: And--

MR. SCHEIBLE: Yes, I see you're going in for a highway, two highway entrances but I never ever liked that entrance situation.

MR. SHAW: I don't think there's anything to be done, very simply a difference in elevation from the entrance to the existing retail building which exists is going to continue to exist, I can't change the slab elevation of the building and I can't change the elevation of the highway so whatever drop exists will continue to exist.

MR. ARGENIO: Take the buildings down, fill the site in and raise it. I'm kidding, obviously.

MR. VAN LEEUWEN: That was my thought.

MR. ARGENIO: I do have a question though seriously all kidding aside traffic in that corridor quite frequently and this is directed towards Mark, Mark do you think it's wise or do you think we should consider, do you think Mr. Shaw should consider the entrance and exit on the left? It would seem to me and again driving that corridor quite frequently it seems to me that that entrance and exit should be a right turn only package, people can certainly come in but it should be a right turn only and the entrance and exit all the way to the right of the drawing on page 3 of 10 can be in and out because as you get closer to the intersection which we all know operates at a level of service and when I say a bad situation as you and I both know it backs up to that point and what happens is people try to come out and make a left.

MR. ARGENIO: What are your thoughts on that, Mark?

MR. EDSALL: No, I travel that way quite a bit as well and I understand what you're saying, I would say that the inability to make left turns is not at all times it's the same as the Mobil turn is even worse.

MR. ARGENIO: We're not talking about that.

MR. EDSALL: As you get to the peak traffic periods it begins to back up and affect all the curb cuts.

MR. SCHEIBLE: During rush hour traffic, right or left-hand turn it's a disaster there.

MR. EDSALL: The worst time now is actually during the end of school for the Cornwall Central School District, unfortunately the school district when they did their building felt they didn't have to comply with the normal SEQRA regulations and took no heed into an analysis into the traffic at the Five Corners that said that's the worst case now it's no longer the normal peak, it's the high school peak that actually backs up.

MR. ARGENIO: You don't like the idea?

MR. EDSALL: First of all, we have no jurisdiction I've got to tell you that right now, the jurisdiction is 100 percent with DOT. We can bring it to their attention that because they should consider no left turns there and allow left turns out of the more westerly curb cut, the only problem there is there you've got the unique situation of having a private road right next to it so--

MR. ARGENIO: Private road with what four residences on it, Mark? Come on.

MR. EDSALL: No, but it's, again, there's, this is a

difficult stretch but I think we can pass that on to DOT.

MR. ARGENIO: You're a pretty capable fella, do you have any thoughts on what I just suggested?

MR. SHAW: I liked what I presented. I understand your point.

(Planning Board Chairman laughs hysterically.)

MR. SHAW: I understand maybe as Mark suggested correspondence to the DOT would be appropriate. Your comments have validity to them, they really do.

MR. ARGENIO: Well--

MR. SCHEIBLE: Franchise Realty is that, that's McDonald's, correct?

MR. SHAW: Yes, correct, I believe that's McDonald's.

MR. SCHEIBLE: Henry, correct me, you and I were on this together, when this was all approved McDonald's and all that wasn't there an entrance, an emergency entrance coming off of 94 at that time, am I right or wrong?

MR. VAN LEEUWEN: I think you're wrong.

MR. ARGENIO: Well, no wait.

MR. VAN LEEUWEN: I don't remember that.

MR. SCHEIBLE: I just want to get the whole story.

MR. ARGENIO: Wait a second, if you look at drawing 3 of 10 there's some kind of driveway illustrated in the back of the property, is that what you're referring to?

MR. SCHEIBLE: You see that little where it says grass area there?

MR. ARGENIO: Yes, that's what I'm pointing your attention to.

MR. SCHEIBLE: I just want to bring that up because that was brought up back in those days.

MR. ARGENIO: Greg, where does that go?

MR. SHAW: I can't even find it.

MR. ARGENIO: Page 3 of 10 towards the top of the drawing near the peak of the triangle.

MR. SHAW: No, that goes to two homes that are in the rear of the property, I think if you take a look there's a reference on the drawing.

MR. EDSALL: Are you speaking of the drive to the right of the peak, the peak of the property you're talking about the drive shown to the right? That goes back to the town sewage pump station as well.

MR. SHAW: There's a couple homes back there.

MR. VAN LEEUWEN: This only shows Central Hudson.

MR. ARGENIO: That's the easement but Mark's saying further back.

MR. SCHEIBLE: If you look at it to the left.

MR. CORDISCO: That's what we're looking at as well.

MR. SHAW: Whether it was at one time a road it could be.

MR. SCHEIBLE: It was brought up, my memory's not that

bad, that was like an emergency entrance.

MR. SHAW: You very well could be right.

MR. ARGENIO: Where are you going ultimately with your comment?

MR. SCHEIBLE: What I'm saying is I don't think it was an emergency, I think that could have been used as a road in those days right as an entrance.

MR. ARGENIO: Years ago it might of.

MR. SCHEIBLE: I'm asking if that was ever brought up with this piece.

MR. SHAW: I never knew it and you very well may be right otherwise why would you have a leg coming out onto the highway to a piece in front.

MR. ARGENIO: Just because it was on the plan back in the '30s when you and Henry were here it really doesn't take us anywhere at this point in time. I don't think it's relevant. Also I'm reading this thing wrong, Franchise Realty Interstate owns that piece of property.

MR. SCHEIBLE: I'm not arguing, I just want to know who owns that piece of property.

MR. ARGENIO: Franchise Realty. Greg, I would like to see and this is only my opinion and again I said this 100 times I'm one member I'd like to see a little better landscaping, this is Five Corners, as you know there's two areas in town that we have tended to focus on over the years, one is Route 32 and Union Avenue and second one is Five Corners.

MR. SHAW: We'll do a better job but I just want to point out that there's not a lot of areas that are

available for landscaping either but--

MR. ARGENIO: I'm looking at a 20 scale and what do you have here?

MR. SHAW: Thirty feet. We'll do better.

MR. VAN LEEUWEN: I agree with him.

MR. ARGENIO: You guys to my right, Neil and Howard, are noticeably mute, we'll certainly see this again so don't feel like, you know.

MR. SCHLESINGER: Auto Zone is that the one that's right next to Price Chopper right now?

MR. SHAW: Yes.

MR. SCHLESINGER: They are proposing to move?

MR. SHAW: Yes.

MR. EDSALL: That's Advanced Auto, the existing one, it's two different companies.

MR. SHAW: I thought Auto Zone was over there.

MR. EDSALL: No, Advanced Auto is the existing one at Price Chopper, this is Auto Zone, no, it's a competitor.

MR. SCHLESINGER: Same business, different operators, competitor.

MR. EDSALL: Competitive businesses.

MR. VAN LEEUWEN: That's a big outfit Auto Zone.

MR. EDSALL: Advanced Auto's all over the country.

MR. ARGENIO: I'll accept a motion that we circulate lead agency coordination letter.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded we circulate for lead agency. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. SCHLESINGER: How about the traffic that you brought up the egress?

MR. ARGENIO: He's got to go to DOT.

MR. SCHLESINGER: So DOT will make the decision.

MR. ARGENIO: He's going to see--

MR. EDSALL: I will as part of the normal procedure make the referral to DOT and in that letter I will include the board's interest in an evaluation of left turns or right turns only out of that eastern curb cut.

MR. ARGENIO: And Mark, Greg, I'm not dogging you on it, just a thought going through the corridor a thousand times.

MR. SHAW: I've seen Sibby already and the drawings reflect her comments but there's a difference between her comments and getting a permit so please if you want to send the letter please do and in the review of the

permit if they feel it's appropriate.

MR. EDSALL: Well--

MR. ARGENIO: We're not looking to segment it into two or three steps.

MR. EDSALL: The permit is a separate issue, that's a condition of approval, the review that Sibby did so far is a pre-application review, so you didn't waste your time. Our referral is one that goes to both Poughkeepsie DOT, to Traffic and Safety and to Newburgh permitting office so Sibby doesn't make decisions on revisions and turns, Traffic and Safety does both sections, DOT will now have an opportunity to review it.

MR. ARGENIO: I stand corrected, thank you, Mr. Edsall.

MR. EDSALL: Just so Greg's aware we don't just send to Sibby we send to Poughkeepsie and Sibby.

MR. ARGENIO: What else are you looking for?

MR. SHAW: I think that's as far as we can go, I think now that we're going to circulate for lead agency 30 days is going to pass, I'd like to get into Mark's comments, get them resolved so when I come back to the board everything will be into place, other than the landscaping. Do the board members themselves have anything other than the technical issues that Mark has laid out? Flag pole.

MR. SHAW: We do have a flag pole 25 foot high with a flag.

MR. ARGENIO: The dumpster's in the back, Neil, I mean, you typically get focused on that looking I think it's an improvement, the Pizza Hut building is a crap looking building and it's unsightly, it's been vacant

for many, many years and you know I like going to Play It Again Sports, you know, my kid can buy his baseball bat, I don't have to drive the Dick's in Middletown but it is what it is. Thank you for coming in.

MR. CORDISCO: Referral to county planning for this plan.

MR. ARGENIO: It's been done and determined local determination.

MR. EDSALL: Is it back already? Yes, I'm sorry.

PATRIOT_BLUFF_CONDOMINIUMS_SITE_PLAN_(RPA)_(01-65)

MR. ARGENIO: For the edification of the board members Patriot Bluff called today and they requested to be withdrawn from tonight's agenda and I, you guys know that I don't respond well to that but the reason is is because there and correct me if I misspeak, Mark, I think what they're doing is they're revisiting their sewer package, if you guys remember there's quite a sewer issue that they need to correct down behind Jimmy Petro's house and behind Frank Lander's place and I think they think that they may have a better way to skin a cat, whether it's right or wrong, I'm certainly not going to comment on Mark will have an opportunity to review it so that's why Henry they withdraw and Neil and Howard.

MR. EDSALL: Correct, the point being is that the RPA people have been very cooperative with the town putting in quite a bit of off-site improvements so they can have the ability to tie into the sewer, they're helping us out with some of the deficiencies in the collection system. The issue right now is finding the best route that's best for the town and best for them to expedite so in meeting with Dick McGoey and John Agido there were some concerns, they said let's back off from the planning board meeting until we get that resolved.

MR. ARGENIO: Okay, motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE

April 29, 2009

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MR. ARGENIO

AYE

Respectfully Submitted By:

Frances Roth
Stenographer

